

REMARKS/ARGUMENTS

This Amendment is being submitted in response to the Office Action dated May 5, 2004. This Amendment is being submitted within the period for response extending to August 5, 2004.

5 The status of the claims is summarized as follows:

Claims 1, 18, 30, 47, and 78 are currently amended.

Claims 56-65 and 88-96 are cancelled in this Amendment.

Claims 1-55 and 67-86 remain pending in this case after entry of this Amendment.

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Allowable Subject Matter

The Applicant acknowledges the Office's indication that claims 35-46 and 66-77 are allowable. Also, the Applicant acknowledges the Office's indication that claims 8-9, 11-17, 25-26, 28-34, 49, 51-55, 80, and 82-86 are objected to as being dependent on a
15 rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections under 35 U.S.C. §102

Claims 1-7, 10, 18-24, 27, 47-48, 50, 78-79, and 81 were rejected under 35 U.S.C.
20 §102(b) as being anticipated by Acker et al. ("Acker") (U.S. Patent No. 6, 009, 209). These rejections are respectfully traversed.

Claims 1, 18, 47, and 78 have been amended to recite the following features:

In claim 1: "automatically repositioning the area by moving the area to a location in the image at which a number of pixels satisfying a redness
25 criterion on a periphery of the area is most,"

In claim 18: "a red eye correction processor automatically repositioning the area by moving the area to a location in the image at which a number of pixels satisfying a redness criterion on a periphery of the area is most," and

5 In claim 47: "automatically repositioning the area in the image by moving the area to a location at which a number of pixels satisfying a redness criterion on a periphery of the area is most,"

In claim 78: "a red eye area processor automatically repositioning the area by moving the area to a location in the image at which a number of pixels
10 satisfying a redness criterion on a periphery of the area is most."

Support for the above-mentioned amendments to claims 1, 18, 47, and 78 can be found at least in the first full paragraph on page 10 and the second paragraph on page 11 of the specification.

The Applicants respectfully submit that Acker does not teach repositioning an
15 area intended for red eye correction by moving the area to a location at which a number of pixels satisfying a redness criterion on a periphery of the area is most. To support a rejection under 35 U.S.C. §102, each and every feature of the claimed invention must be disclosed in a single reference. Therefore, the Applicants respectfully submit that claims 1, 18, 47, and 78, as amended, are not anticipated by Acker and are patentable in view of
20 the cited art of record. Also, since each of dependent claims 2-17, 19-34, 48-55, and 79-86 ultimately depend from one of independent claims 1, 18, 47, and 78, the Applicants respectfully submit that each of claims 2-17, 19-34, 48-55, and 79-86 are patentable for at least the same reasons as their respective independent claim.

The Office is also requested to note that claim 30 has been amended to clarify its
25 dependency from claim 27 rather than claim 17.

In view of the foregoing, the Applicants submit that claims 1-55 and 67-86 are in condition for allowance. Therefore, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900 ext. 6914. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ROXIP236). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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